



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov
DRW 03-02

Paper No. 6

ROBERT BUCKLEY
PATENT ATTORNEY
P.O. BOX 2520
MENLO PARK CA 94026-2520

COPY MAILED

APR 03 2002

OFFICE OF PETITIONS

In re Application of :
Imran, Bremsteller, Husain, and :
Ivey : DECISION REFUSING STATUS
Application No. 09/903,326 : UNDER 37 CFR 1.47(a)
Filed: 11 July, 2001 :
Attorney Docket No. UNIQA-PPA3 :

This is in response to the petition filed under 37 CFR 1.47(a) on
24 January, 2002.

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of
this decision to reply, correcting the below-noted deficiencies.
Any reply should be entitled "Request for Reconsideration of
Petition Under 37 CFR 1.47(a)," and should only address the
deficiencies noted below, except that the reply may include an
oath or declaration executed by the non-signing inventor.
FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.
Extensions of time may be obtained in accordance with 37 CFR
1.136(a).

The above-identified issue application was filed on 11 July,
2001, without an executed oath or declaration. Accordingly, on
27 August, 2001, a Notice to File Missing Parts was mailed,
requiring additional claim fee(s), an executed oath or
declaration, and a surcharge for their late filing. In response,
on 24 January, 2002, petitioners filed the present petition,
accompanied by a declaration naming Imran Sharif, John
Bremsteller, Shabbir Syed Husain, and Glen Edward Ivey as joint
inventors and signed by joint inventors Sharif and Husain on
behalf of themselves and joint inventors Bremsteller and Ivey,
the additional claim fee(s), surcharge, and petition fee. A

request and payment of the fee for a two (2)-month extension of time were also submitted.

Petitioners assert that a copy of the application papers were sent to the non-signing joint inventors. Petitioners further state that joint inventor Bremsteller did not respond, while joint inventor Ivey sent back a written refusal to sign the declaration.

A grantable petition under 37 CFR 1.47(a) requires:

- (1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

- (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

- (3) the petition fee;

- (4) a surcharge of \$130 or \$65 (small entity) if the petition and/or declaration is not filed at the time of filing the application, and

- (5) a statement of the last known address of the non-signing inventor.

The petition lacks item (1). In that petitioners state that joint inventor Ivey returned a letter indicating his express refusal to sign, petitioners must provide a copy of that written refusal with any renewed petition. If the refusal was made orally to a person, then that person must provide details of the refusal in an affidavit or declaration of facts.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents
 Box DAC
 Washington, D.C. 20231

By FAX: (703) 308-6916
 Attn: Office of Petitions

By hand: Crystal Plaza Four, Suite 3C23
 2201 S. Clark Place
 Arlington, VA

Telephone inquiries related to this decision should be directed to the undersigned at 703-308-6918.

A handwritten signature in cursive script, appearing to read "D. Wood", is positioned above the typed name.

Douglas I. Wood
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy